GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Revenue (Endowments) Department – Sri V.D.D. Prasad, Executive Officer, Sri Dinavahi Choultry, Vijayawada – Filed appeal on the punishment imposed withholding of (3) increments with cumulative effect issued by the Commissioner Endowments – Appeal filed – Considered for reducing the punishment – Orders – Issued.

REVENUE (VIGILANCE.IV) DEPARTMENT

G.O.Rt .No.930 **Dated:08.12.2020.**

Read the following:

1. From the Commissioner, Endowments Department Proceedings No. E3/5082/2010 dated 24.11.2010 & 26.11.2010.
2. From the Commissioner, Endowments Department Proceedings No.E3/5082/2010 dated 23.12.2010.
3. Written Statement of Defense of Sri V.D.D.Prasad, formerly Executive Officer, Grade-III, Group Temple, Jaggaiahpeta, Krishna District dated 10.01.2011.
4. Enquiry report of the Joint Commissioner & Executive Officer, Sri Venkateswara Swamy Devasthanam, Dwaraka Tirumala, in Rc.No.B1/656/2011, dated 19.05.2012.
5. Proceedings in Rc.No.E3/50821/2010 of the Commissioner, Endowments Department, Hyderabad dated:15.10.2012.
6. Government Memo No.54627/Vig.IV.3/2012-2, Rev (Vig.IV) Dept., dated 13.05.2013.
7. From the Hon'ble Judicial Magistrate of 1st Class, Jaggaiahpeta, orders dated 21.11.2016 in Criminal Case No.123/2011.
8. Revision Petition filed Sri V.D.D. Prasad, EO, Sri Dinavahi Choultry, Vijayawada, dt.nil received through the then Hon'ble Dy.CM (Rev & Endts.) vide Endt. No.51//Dy.CM(Rev)/2018, dated 17.04.2018.
9. Memo.No.19021/24/2018-VIG IV-REV, date 08.05.2018 of Rev (Vig.IV) Dept.
10. From the Commissioner, Endowments Department Letter in Rc.No.V2/50821/2010, Dated:09.11.2018

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Whereas, in the reference 1st read above, Sri V.D.D.Prasad, while working as Executive Officer, Grade-III, Group Temple, Jaggaiahpeta, Krishna District, was kept under suspension on the grave irregularities in the temple administration leveled against him and also directed the Assistant Commissioner, Endowments Department, Vijayawada to file Criminal Case against delinquent officer. Accordingly, as many as (7) charges were framed against him vide reference 2nd read above. The charged officer has submitted his Written Statement of Defense vide reference 3rd read above. As the same was not convincing, the Joint Commissioner & Executive Officer, Sri Venkateswara Swamy Devasthanam, Dwaraka Tirumala was appointed as Enquiry Officer to inquiry into the charges and submit Enquiry report.

2. Whereas, in the reference 4th read above, the Enquiry Officer has submitted his Inquiry report with reference to charges framed and explanation received from the delinquent officer, stating that all the charges were held proved. After following due procedure and power vested under Rule 6 of the Andhra Pradesh Executive Officers disciplinary (Control & Appeal) Rules 1977, the Commissioner, Endowments Department has imposed the punishment of stoppage of (3) three increments with cumulative effect upon Sri V.D.D.Prasad, Executive Officer for committing irregularities in discharging his legitimate duties vide reference 5th read above. The suspension of the delinquent officer was also revoked and reinstated into service.

3. Aggrieved by the above, Sri V.D.D.Prasad, Executive Officer has filed appeal petition requesting to set-aside the punishment orders imposed on him. Government has rejected the appeal petition filed by him as there are no new grounds and it does not merit consideration vide reference 6th read above.

4. While the matter is stood thus, the Hon'ble Judicial Magistrate of 1st Class, Jaggaiahpeta, have opined that there is no evidence against the Accused Officer to prove that the Accused Officer misappropriated an amount of Rs.1,39,000/- of Sri Nagalingeswara Swamy Temple, Jaggaiahpeta, thereby committed for the offences punishable U/s 406 of IPC and 409 of IPC, vide reference 7th read above.

5. Now, in the reference 8th read above, Sri V.D.D. Prasad, Executive Officer, Sri Dinavahi Choultry, Vijayawada, has filed Revision Petition before the Government stating that the punishment imposed for stoppage of (3) three increments with cumulative effect, which was

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imposed under Executive Officers Disciplinary (Control & Appeal) Rules, 1977, but such penalty is not mentioned under the said rules, the punishment (with cumulative effect) imposed is pertains to Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules 1991. The enquiry conducted as per Executive Officers Disciplinary (Control & Appeal) rules 1977 instead of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991, so the consequent effect of the punishment will be also under the same rules. But, the consequential effect of bar on promotion twice the period of punishment contemplated in G.O.Ms.No.342 dated 04.08.1997 is only applicable to punishment of stoppage of increment with cumulative effect awarded under Andhra Pradesh Classification, Control & Appeal Rules, 1991 and not applicable to him, as he received the punishment of three increments with cumulative effect under Andhra Pradesh Executive Officers Disciplinary (Control & Appeal) Rules, 1977. Finally, he has requested to set-aside the punishment order imposed on him by the Commissioner, Endowments Department, Andhra Pradesh, Vijayawada vide reference 5th read above.

6. In the reference 9th read above, the Commissioner, Endowments Department, Andhra Pradesh has been requested to furnish his detailed report along with the connected records on the Appeal filed by Sri V.D.D. Prasad, Executive Officer, on the punishment orders of (3) increments with cumulative effect issued by the him to the Government immediately for taking further necessary action.

7. In the reference 10th cited, the Commissioner, Endowments Department, Andhra Pradesh, Vijayawada, while stating among other things, has informed that it is fact that the punishment of stoppage of (3) increments with cumulative effect is imposed upon the incumbent under Executive Officer's Disciplinary (Control and Appeal) Rules 1977. Accordingly to Andhra Pradesh, Executive Officers Disciplinary (Control and Appeal) Rules 1977 framed U/s 27 of the Act 1966 though there is no time mentioned in the Rules, so it is for the disciplinary authority to stop the increment with (or) without cumulative effect, considering the gravity of charges and the facts involved in it.

8. Government, after re-examined the entire case in detail, have observed that the Hon'ble Judicial Magistrate of 1st Class Judge, Jaggaiahpeta, in its order dated:21.11.2016 in C.C.No.123/2011 has observed that there is no evidence against the Accused to prove that Accused misappropriated an amount of Rs.1,39,000/- of the Sri Nagalingeswara Swamy Temple of Jaggaiahpeta and that prosecution failed to prove the guilty of the Accused beyond reasonable doubts for the offences punishable U/s.406 of I.P.C. and 409 of I.P.C. Therefore, Government have decided to reduce the punishment of stoppage of (3) three increments with cumulative effect imposed by the Commissioner, Endowments Department, Andhra Pradesh, Vijayawada, to that of stoppage of (3) three increments without cumulative effect against Sri V.D.D.Prasad, Executive Officer.

9. After careful examination of the matter, Government hereby order to reduce the punishment of **stoppage of (3) three increments with cumulative effect** imposed by the Commissioner, Endowments Department, Andhra Pradesh, Vijayawada, to that of **stoppage of (3) three increments without cumulative effect** against Sri V.D.D.Prasad, Executive Officer.

10. The Commissioner, Endowment Department, Andhra Pradesh, Vijayawada shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M GIRIJA SHANKAR
SECRETARY TO GOVERNMENT (ENDOWMENTS) (FAC)

To
Sri V.D.D. Prasad, Executive Officer, Sri Dinavahi Choultry, Vijayawada, through the Special Commissioner, Endowments Department, Andhra Pradesh, Vijayawada.
The Special Commissioner, Endowments Department, Andhra Pradesh, Vijayawada.
Copy to:
The Principal Accountant General (A&E), Andhra Pradesh, Hyderabad.
The Directorate of Treasury and Accounts, Andhra Pradesh, Vijayawada.
The District Treasury Officer, Machilipatnam/Vijayawada Krishna District.
The OSD to the Hon'ble Minister (Endowments).
The Revenue (Endowments-I) Department.
Sc/Sf

//FORWARDED :: BY ORDER//

SECTION OFFICER